

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NANCY E. NASH,

Petitioner,

v.

STATE OF NEVADA, et al.,

Respondents.

Case No. 2:16-cv-00819-RFB-GWF

ORDER

Petitioner Nancy E. Nash has submitted a *pro se* “informal brief,” and a motion for leave to file a new petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF Nos. 1-1, 1-2, 2). She has not filed an application to proceed *in forma pauperis* or paid the filing fee. Thus, this case has not been properly commenced and is subject to dismissal on that basis. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

Moreover, the court may take judicial notice of its docket, and Nash has another habeas petition pending in this court challenging the same judgment of conviction, state case no. C237504 (See ECF No. 1-2; 2:16-cv-00901-JCM-NJK).

“AEDPA generally limits a petitioner to one federal habeas corpus motion and precludes “second or successive” habeas corpus petitions unless the petitioner meets certain narrow requirements. The statute provides that a claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless it relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable or on newly discovered facts that show a high probability of actual innocence.”

1 Jones v. Ryan, 733 F.3d 825, 834 (9th Cir. 2013) (internal quotations and citations
2 omitted).

3 Accordingly, this petition is duplicative and is also dismissed on that basis.

4 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** with prejudice as
5 duplicative.

6 **IT IS FURTHER ORDERED** that, to the extent necessary in this procedural
7 context, a certificate of appealability is **DENIED**, as jurists of reason would not find the
8 court's dismissal of this duplicative action to be debatable or incorrect.

9 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and
10 close this case.

11 DATED: 9 February 2017.

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14 RICHARD F. BOULWARE, II
15 UNITED STATES DISTRICT JUDGE
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